

00-0-0879

(Do Not Write Above This Line)

ORDINANCE BY: COMMUNITY DEVELOPMENT/  
HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO  
DIRECT THE DEPARTMENT OF PLANNING,  
DEVELOPMENT AND NEIGHBORHOOD CONSERVATION  
(BUREAU OF NEIGHBORHOOD CONSERVATION) TO  
CLEAN THE PREMISES AND CLOSE THE VARIOUS  
STRUCTURES, PURSUANT TO ARTICLE III OF THE  
ATLANTA HOUSING CODE AND A HEARING  
CONDUCTED BY THE IN REM REVIEW BOARD ON  
April 27, 2000.

2565 Burton Road, SW 10  
735 Elbert Street, SW 04  
668 Flamingo Drive, SW 10  
394 McWilliams Avenue, SE 01  
1528 Murphy Avenue, SW 12

ADOPTED BY  
JUL 17 2000  
COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

7/5/00

Referred To:

CD/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
 Date 6/28/00  
 Chair CD/HR  
 Referred to CD/HR

Committee

Committee

Date

Date

Chair

Chair

Action:

Action:

Fav, Adv, Hold (see rev. side)

Fav, Adv, Hold (see rev. side)

Other:

Other:

Members

Members

Refer To

Refer To

Committee

Committee

Date

Date

Chair

Chair

Action:

Action:

Fav, Adv, Hold (see rev. side)

Fav, Adv, Hold (see rev. side)

Other:

Other:

Members

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd  
 Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
 JUL 17 2000

ATLANTA CITY COUNCIL PRESIDENT

*Richard Johnson*  
 MAYOR

CERTIFIED  
 JUL 17 2000

*Richard Johnson*  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED  
 JUL 17 2000  
*David Campbell*  
 MAYOR



**AN ORDINANCE**

**00-0 -0879**

**BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO CLEAN THE PREMISES AND CLOSE THE VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON April 27, 2000.**

2565 Burton Road, SW	10
735 Elbert Street, SW	04
668 Flamingo Drive, SW	10
394 McWilliams Avenue, SE	01
1528 Murphy Avenue, SW	12

**WHEREAS**, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

**WHEREAS**, on April 27, 2000, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

**WHEREAS**, on April 27, 2000, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

**WHEREAS**, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

**WHEREAS**, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

**WHEREAS**, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.



**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**SECTION 1:** That the Mayor is authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to forthwith demolish and clean the following real property, upon which structure(s) are located:

<u>Proper Street Address</u>	<u>City Council District</u>
2565 Burton Road, SW	10
735 Elbert Street, SW	04
668 Flamingo Drive, SW	10
394 McWilliams Avenue, SE	01
1528 Murphy Avenue, SW	12

**SECTION 2:** That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Clean the premises and board the structures(s) in conformity with the In Rem Review Board's Orders.
- (3) File a lien against the real property on which the structures(s) are attached for the cost incurred.
- (4) Maintain the property in conformity with the In Rem Review Board's Order until the structure(s) are repaired or demolished.

**SECTION 3:** That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

JULY 17, 2000  
JULY 21, 2000



## TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Catherine W. Binns  
Leroy Binns, Jr. and Karl V. Binns  
IRS

on **4-7-00** in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

all that tract and parcel of land  
lying and being in Land lot 206 of the 14th District of Fulton County, Georgia  
being Lot 12, in Block "L" of the Subdivision of Unit 2 of the  
Westland Estates, according to Plat thereof recorded in Plat Book  
30, page 73, Fulton County Records, and more particularly de-  
scribed as follows:

BEGINNING at a point on the NORTH side of Burton Road, Nine  
Hundred Three (903) feet WEST along the NORTH side of Burton Road  
from the corner formed by the NORTH side of Burton Road and the  
SOUTHWEST side of Hightower Road, if the street lines were ex-  
tended to form an angle instead of a curve; and running thence  
WEST along the NORTH side of Burton Road, One Hundred (100) feet  
to the EAST line of Lot 11, Block "L", subdivision aforesaid;  
thence NORTH along said line One Hundred Ninety-five (195) feet;  
thence EAST Parallel to Burton Road, One Hundred (100) feet to  
the WEST line of Lot 13 of Block "L", subdivision aforesaid;  
thence SOUTH along said line, One Hundred Ninety-five (195) feet  
to the NORTH side of Burton Road to the beginning point; being  
improved property known as No. 2565 Burton Road, N.W., according  
to the present numbering of houses in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings,  
dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This  
notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as  
provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such  
real property.

Dated: **April 7, 2000**

BY:

*Debra S. Hays*  
Bureau of Neighborhood Conservation, Official Agent

BY:

*Bill Castings*  
Assistant Real Estate City Attorney



## TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Adrian Loyd  
First Franklin Financial Corporation  
Larryette Kyle

on 4-7-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 106, 14th District, Fulton County, Georgia, being lot 19, Block 2, Atlanta Real Estate Company Subdivision, as per plat recorded in Plat Book 9, Page 154, Fulton County Records, which plat reference is hereby made and incorporated herein for a more complete description, being known as 735 Elbert Street, SW, Atlanta, Georgia 30310.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: April 7, 2000

BY:

Dale S. Hargrove  
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Canty  
Assistant Real Estate City Attorney



## TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Willie H. and Carrie M. Smith  
Majestic Savings & Loan Association  
Fulton Federal Savings and Loan Association of Atlanta  
Manufacturers Hanover Consumer Services, Inc.  
IRS

on **4-7-00** in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

all that tract or parcel of  
land lying and being in Land Lot 203 of the 14th District of Fulton County, Georgia, being  
Lot 16, Unit Eleven of the Audubon Forest Subdivision according to revised plat which  
is recorded in Plat Book 66, page 31, Fulton County Records and being more particularly  
described as follows:

BEGINNING at a point on the northeasterly side of Flamingo Drive, eight hundred twenty-five and four tenths (825.4) feet northwesterly, as measured along the northeasterly side of Flamingo Drive from the corner formed by the intersection of the northeasterly side of Flamingo Drive and the northwesterly side of Willis Mill Road; said point of beginning also being at the line which divides Lots 16 and 17, said subdivision and plat; thence northwesterly along the northeasterly side of Flamingo Drive, one hundred fifty (150) feet to the line which divides Lots 15 and 16, said subdivision and plat; thence northeasterly along the line which divides said Lots 15 and 16, four hundred ninety-five (495) feet; thence southeasterly fifty-two and six tenths (52.6) feet to the line which divides the above mentioned Lots 16 and 17; thence southwesterly along the line which divides said Lots 16 and 17, four hundred ninety-five (495) feet to the northeasterly side of Flamingo Drive and the point of beginning.

Now known as 668 FLAMINGO DRIVE, SW, according to the present system of numbering houses in the City of Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: **April 7, 2000**

BY:

*[Signature]*  
Bureau of Neighborhood Conservation, Official Agent

BY:

*[Signature]*  
Assistant Real Estate City Attorney



THE SUPERIOR COURT FOR THE COUNTY OF  
DEKALB, STATE OF GEORGIA

CITY OF ATLANTA BUREAU  
OF NEIGHBORHOOD CONSERVATION  
Plaintiff  
VS.

NOTICE FOR RECORD  
FOR LIS PENDENS

John Will Smith & Mildred C. Smith  
Security Pacific National Bank, as trustee on behalf of American Housing Trust VII  
IRS

TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against the above defendant on

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Friday, April 7, 2000

in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 178 of the 15th District of DeKalb County, Georgia, being Lot 5, Block A, Subdivision of Glenwood Acres as per plat recorded in Plat Book 14, page 30, DeKalb County Records, said plat being incorporated herein and made a part hereof by reference; being improved property known as 394 McWilliams Avenue, according to the present system of numbering houses in DeKalb County, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Dekalb County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: Friday, April 7, 2000

BY:

Paul A. Haygood  
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Castongue  
Assistant Real Estate City Attorney



## TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

William G. Murray, individually & as Executor u/w of Hubert L. Murray (deceased), Diane Murray  
Lewis, Kenneth E. Murray, Sr., William Gayle Murray, and William Gayleno Murray,  
Southeast Diversified Development, Inc.  
Alton King or Charles N. King  
Small Business Administration, National Tax Funding, L.P., Lyle Maul, IRS

on 4-7-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

all that tract and parcel of land  
lying and being in Land Lot 121 of the 14th District of Fulton County, Georgia  
and more fully described as follows:

BEGINNING at a point on the easterly side of Murphy Avenue 403 feet  
south of the southeast corner of Murphy Avenue and Langston Street,  
and running thence east 125 feet; thence south 40 feet; thence west  
125 feet; to Murphy Avenue; thence north along the easterly side of  
Murphy Avenue 40 feet to the point of beginning; being improved property  
known as NUMBER 1528 MURPHY AVENUE, S. W., according to the present  
system of numbering houses in the City of Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: April 7, 2000

BY: Dale - L. Hightower  
Bureau of Neighborhood Conservation, Official Agent

BY: Bill Castine  
Assistant Real Estate City Attorney



RCS# 2136  
7/17/00  
7:23 PM

Atlanta City Council

Regular Session

MULTIPLE

00-O-0879 & 00-O-0881; Bur. Neigh. Cons  
to clean & close 2565 Burton  
Adopt

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

*Unanimous*

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE